

1
2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 ADAN JOE NIETO,

7 Petitioner,

8 v.

9 JEFFREY UTTECHT,

10 Respondent.

No. C09-5250 RBL/KLS

ORDER FOR SERVICE AND
RETURN § 2254 PETITION

11
12 (1) The Clerk shall arrange for service by certified mail upon Respondent, a copy of
13 the Amended Petition, of all documents in support thereof, and of this Order. All costs of service
14 shall be advanced by the United States. The Clerk shall assemble the necessary documents to
15 effect service. The Clerk shall send Petitioner a copy of this Order, and the General Order. The
16 Clerk will also send a courtesy copy of the Amended Petition to the Washington State Attorney
17 General's Office.
18

19 (2) Within forty-five (45) days after such service, Respondent shall file and serve an
20 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
21 Courts. As part of such answer, Respondent should state whether Petitioner has exhausted
22 available state remedies, whether an evidentiary hearing is necessary, and whether there is any
23 issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place of
24 an answer without first showing cause as to why an answer is inadequate. Respondent shall file
25 the answer with the Clerk of Court and serve a copy of the answer upon Petitioner.
26

(3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the answer is filed, Petitioner may file and serve a response not later than on the Monday immediately preceding the Friday appointed for consideration of the matter, and Respondent may file and serve a reply brief not later than the Friday designated for consideration of the matter.

DATED at Tacoma, Washington this 15th day of June, 2009.


Karen L. Strombom
United States Magistrate Judge